IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 15379 of 2005

Between:

Gurajala Durgaiah S/o.Late G.Lingaiah
R/o.Moosapet Village Balanagar Mandal,

Ranga Reddy District.

..... PETITIONER

AND

1 The Deputy Collector and Mandal Revenue Officer

Balanagar Mandal, Housing Board Colony

Kakatpally, Hyderabad.
2 The Vice-Chairman and Managing Director

Hyderabad urban Development Authority
Prakasahnagar, Begumpet, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus under Article 226 of the constitution of India directing the respondents No.1 and 2 not to obstruct the agricultural operations carried out by the petitioner including fetching water from the bore well on the land admeasuring Ac 4-20 gts Situated at y.No.893 of Kukatpally Village, Balanagar Mandal Ranga Reddy District and consequently direct them to issue necessary documents certifying the possession of the petitioner so as to avail loan from the banks to develop the land.

Counsel for the Petitioner: MR.S.TULASI DAS

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: MR B.VISWANADHA REDDY

The Court at the stage of admission made the following:

ORDER:

Seeking a Writ of Mandamus, directing the respondents 1 and 2 not to obstruct the agricultural operations carried out by the petitioner including fetching water from the bore well on the land admeasuring Ac.4.20 gts. situated at Sy.No.893 of Kukatpally village, Balanagar Mandal, Ranga Reddy District, the writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the 1st respondent.

The petitioner alleged to be the owner of land mentioned in the writ petition and when the revenue authorities tried to dispossess him from his land, he filed W.P.No.10685 of 2005 before this Court and this Court by order dated 29.04.2005, in W.P.M.P.No.13762 of 2005, granted status quo as to the nature and possession of the land in question. It is the case of the petitioner that as there are no rains, he took up drilling work in the old bore well which was damaged by unsocial elements and while the work was in progress, the authorities of the 1st respondent came and stopped the work on the ground that there was status quo order pending.

As seen from the averments of the affidavit filed in support of the petition it came to light that the petitioner has taken up drilling work of a bore well in his land without obtaining any permission from the concerned. The contention of the respondents is that the petitioner has been digging a bore well illegally without obtaining any permission as contemplated under Section 8 of A.P. Water, Land and Trees Act, 2002.

Admittedly, the petitioner has taken up the work of digging of a bore well without

obtaining permission under Section 8 of A.P. Water, Land and Trees Act, 2002. The petitioner cannot seek direction to the respondents to allow him to dig bore well and draw water from it, unless he obtains permission from the concerned. However, the petitioner may approach the concerned and make a representation, seeking permission to dig a bore well and draw water from it, and it is for the authorities concerned to consider the same and pass necessary orders thereon.

In view of the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the petitioner to make an application to the 1st respondent, within a period of one week from the date of receipt of a copy of this order, seeking permission to drill a bore well in his agricultural land and draw water from it, and on such application being filed by the petitioner, it is for the respondents to pass appropriate orders thereon in accordance with law, within a period of two weeks there from.

With the above directions, the Writ Petition is disposed of. No order as to costs.

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ELIPE DHARMA RAO,J

Dated: 15.07.2005

Dsr

Note:

Issue CC in three days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1. The Deputy Collector and

Mandal Revenue Officer,

Balanagar Mandal,

Housing Board Colony,

Kukatpally, Hyderabad

2. The Vice-Chairman and

Managing Director,

Hyderabad Urband Development Authority,

Prakashnagar, Begumpet,

Hyderabad

3. Two CCs to the Government Pleader

for Revenue, High Court Buildings,

Hyderabad (OUT)

4. Two CD copies